IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 116 OF 1991
IN
WRIT PETITION NO. 1575 OF 1987

Manohar Ganpatrao Kapsikar .. Petitioner.

V/s.

1. The State of Maharashtra & Anr. .. Respondents.

Mr.Manohar G.Kapsikar in person-present.

Mr.D.A.Patil, AGP for the Respondents.

CORAM : S. A. BOBDE, J.

DATED : 24th JULY, 2007.

P.C. :-

. By this petition, the grievance of the petitioner is that the respondents have not complied with the impugned order dated 6th December, 1988, directing the respondents to pay all the emoluments to the petitioner within two weeks.

2. The learned Assistant Government Pleader has referred to the affidavit pointing out the reasons for the delay. Admittedly, the emoluments have been paid partly on 23rd March, 1989 and balance was paid on 10th of April, 1992. The reasons for delay are set out in

paragraph 3,4 and 5 of the affidavit.

3. Having regard to the affidavit, it seems that there is no deliberate attempt to dis-obey the order of this court. More over the petition is liable to be dismissed for want of diligence on the part of the petitioner in pursuing the matter. The impugned order is of the year 1987. The breach of which is complained in the year 1987 and the petitioner has filed this contempt petition on 12th of September, 1988 at Aurangabad. Thereafter, the matter was transferred from Aurangabad to Bombay. Clearly, this petition has been transferred to this court in the year 1991 but no steps are forthcoming from the petitioner’s side till this court issued a notice again. Merely because the petition is filed within one year cannot justify the fact that the petitioner has not taken any steps to pursue the matter.

4. Having regard to the circumstances of the case and the affidavit of the respondent, as apparent from the affidavit of the respondents and want of diligence in pursuing the matter, this is not a fit case for exercising the jurisdiction for contempt. Hence, the petition is dismissed.

(S.A.BOBDE,J.)

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